

FILED BY *[Signature]* D.C.  
DECEMBER 30 PM 2:39

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

**EMILY D. ANDERSON,**

Plaintiff,

vs.

No. 03-2489-DV

**JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,**

Defendant.

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**ORDER**

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Plaintiff brought the present action pursuant to 42 U.S.C. §405(g) seeking judicial review of a decision by the Commissioner of Social Security denying her claim for benefits under the Social Security Act. On March 18, 2004, this court remanded the case to the Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. §405(g). Plaintiff's counsel has filed an application for an award of attorneys fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d)(1)(A). Plaintiff's application seeks fees in the total amount of \$5,395.81. Upon an independent review of the record, the court concludes that the position of the Commissioner in this litigation as not substantially justified, and further that the amount of fees sought by Plaintiff's counsel are reasonable.

For the foregoing reasons, it is

**ORDERED** that the Plaintiff's petition for attorney fees (Doc. #\_\_\_\_\_) is GRANTED and

Plaintiff is awarded EAJA fees in the total amount of \$5,395.81.

DONE this 30<sup>th</sup> day of December, 2005.

  
BERNICE BOUIE DONALD  
UNITED STATES MAGISTRATE JUDGE